

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.: 23-20325-CR-Ruiz/Becerra

Plaintiff,

vs.

WILLIAM POWER McCAUGHAN, JR.

Defendant.

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**DEFENDANT'S NOTICE OF STATUS OF OBJECTIONS  
TO PRESENTENCING INVESTIGATION REPORT (PSR)**

The DEFENDANT, WILLIAM POWER McCAUGHAN, JR., through undersigned counsel, and pursuant to the Court's Order Setting Date, Time, and Procedures for Sentencing Hearing (DE 34), scheduled for Wednesday, August 28, 2024, at 10:00 a.m., hereby notifies the Court regarding the status of Defendant's previously filed objections to the PSR:

As stated in the Addendum to the PSR, all of Mr. McCaughan's previously filed objections have been resolved with the exception of Part E. Factors That May Warrant Departure and/or Variance, Paragraph 124. Mr. McCaughan continues to maintain that there are factors and circumstances present in this case which, either alone or in combination, warrant a reduction of Mr. McCaughan's sentence as a variance from the advisory Guidelines range, including but not limited to:

- personal circumstances contributing to the offense conduct;
- post-offense rehabilitation;
- extraordinary acceptance of responsibility and remorse;
- forfeiture of Mr. McCaughan's law license;
- otherwise good character and prior good works;
- the need to provide the defendant with needed treatment in the most effective manner (18 U.S.C.S. § 3553(a)(2)(D));
- the "need to avoid unwarranted sentencing disparities" (18 U.S.C. §3553(a)(6)).

The above-referenced factors and arguments in support of a variance will be discussed in more detail in the sentencing memorandum being prepared and to be filed on behalf of Mr. McCaughan prior to the sentencing hearing, as well as during the sentencing hearing.

As noted in Paragraph 112 of the Revised PSR, based upon a total offense level of 36 and a criminal history category of I, the guideline imprisonment range is 188 to 235 months. The defense is requesting that the court impose no more than 180 months (15 years) of imprisonment (mandatory minimum sentence), which would amount to a variance of 8 months. The Government has not submitted any filing to inform the Court, Probation and the defense of its position regarding Mr. McCaughan's request for a variance. During the past week, undersigned counsel has been in contact with counsel for the Government to request the Government's position regarding the length of sentence to be imposed. As of the time of filing this pleading, the defense has not received the Government's position. Therefore, the issue remains unresolved.

WHEREFORE, the Defendant, WILLIAM POWER McCAUGHAN, JR., respectfully submits his Notice of Status of Objections to the Presentence Investigation Report.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of August 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, I also certify that the foregoing document is being served this day on the following parties via transmissions of Notices of Electronic Filing generated by CM/ECF or email:

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